

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | CASE NO. 5:19MJ1002 |
| |) | |
| Plaintiff, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| vs. |) | |
| |) | |
| DONYEA NELSON, |) | <u>PARTIAL ORDER</u> |
| |) | |
| Defendant. |) | |

CHRISTOPHER A. BOYKO, J:

This matter comes before the Court upon the Government’s Motion for Revocation of the Magistrate Judge’s Bond Order and Motion to Proffer Additional Evidence. (ECF #11). The Government seeks to proffer additional evidence concerning the substances found at Defendant’s residence. Defendant also seeks to proffer additional evidence in support of the Magistrate Judge’s Order (ECF #7) granting Defendant Bond with additional conditions. (ECF #12).

Under 18 U.S.C. § 3145(a), the government may seek review of a magistrate judge’s pre-trial release order. 18 U.S.C. § 3145(a)(1). A district court employs a de novo review of a magistrate’s order of pretrial detention. *United States v. Alexander*, 742 F. Supp. 421, 423 (N.D. Ohio 1990). The district court may consider evidence by way of proffer at its discretion. *United States v. Stone*, 608 F.3d 939, 948 (6th Cir. 2010) (“[C]onducting a bail hearing by proffer is

acceptable under the law and at the discretion of the district court”) (citing *United States v. Webb*, 238 F.3d 426 (“[T]he government may proceed in a detention hearing by proffer or hearsay”).

Here, the Court will consider the parties’ proffered evidence in ruling on the Government’s appeal of the Magistrate Judge’s Release Order. Thus, the Government’s Motion is **GRANTED, IN PART** as the Court will consider the parties’ proffered evidence. The Court will issue a separate decision concerning the merits of the Government’s appeal at a later date.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: February 1, 2019